

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	Case No. 1:04CR00053
	)	
v.	)	<b>FINAL ORDER</b>
	)	
<b>ERIC THOMAS MYERS,</b>	)	By: James P. Jones
	)	United States District Judge
Defendant.	)	

For the reasons set forth in the Opinion accompanying this Final Order, it is **ORDERED** that the defendant's submission seeking correction of the Presentence Investigation Report and the criminal sentence (ECF 91) is construed as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255 (West Supp. 2010), and is **DENIED** without prejudice as successive. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: February 24, 2011

/s/ JAMES P. JONES  
United States District Judge